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3 **AGENDA**
4 **City of Lynnwood**
5 **Transportation Benefit District (TBD) Board**
6 **Council Chambers, City Hall**
7 **19100 44th Avenue W, Lynnwood, WA, 98036**
8

9 **Special Meeting**
10 **February 17, 2016**
11 **7:00 P.M.**

12 **10 Call to Order**

13
14 **20 Roll Call**

15
16 **30 Election of Board Officers**

17
18 **40 Approval of Minutes – November 18, 2015 Special Meeting**

19
20 **50 Citizen Comments and Communications**

21
22 **60 Presentation, Discussion and Possible Action or other Disposition:**

- 23
 - **Transportation Funding Status and Needs**
 - **Potential Funding Sources and Next Steps for Potential Funding, Including But Not Limited to Options for Possible Ballot Measure**
 - **Possible motion relating to potential ballot measure resolution for increased sales tax and/or increased or decreased vehicle registration fee funding options**

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29
30 **70 Presentation, Discussion and Possible Action or other Disposition:**

- 31
 - **Recent Legislative Changes to Transportation Benefit District Law**
 - **Possible Motion Relating to Implementation of Recent Legislative Changes**

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34 **80 Adjournment**
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1 City of Lynnwood
2 Transportation Benefit District Board
3

4 **Item 30**
5

6 **Special Meeting**
7 **February 17, 2016**
8 **7:00 P.M.**
9

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12 **TITLE:** Election of Board Officers
13

14 **DEPARTMENT:** Public Works
15

16 **DEPARTMENT CONTACT:** Bill Franz/David Mach
17

18 **BACKGROUND:** Section 5.03 of the Charter states that “The Board shall include two or
19 more officers...The initial officers of the Board shall be the President and Vice President.
20 Additional officers may be provided for as approved by the Board.....”
21

22 The roles and responsibilities of the TBD President are outlined in Section 5.04 of the
23 Charter: “The President shall serve as the ceremonial head of the District and shall preside
24 over all Board meetings. The President shall, subject to the control of the Board, exercise
25 general supervision, direction, and control of the business and affairs of the District. On
26 matters decided by the District, unless otherwise required under Interlocal Agreement or by
27 this Charter, the signature of the President alone is sufficient to bind the District.”
28

29 The roles and responsibilities of the TBD Vice President are outlined in Section 5.05 of the
30 Charter: “The Vice President shall serve in the absence of the President as the ceremonial
31 head of the District and shall preside over Board meetings in the President’s absence and shall
32 otherwise execute the President’s powers and duties.”
33

34 Other TBD Board Officers include Treasurer, which shall be the City’s Finance Director
35 (Section 5.06 of the Charter) and Attorney, which shall be the City Attorney (Section 5.07 of
36 the Charter).
37

38 **ACTION:** Nominate and elect TBD Board President and Vice President.
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40 **ATTACHMENTS:** None
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CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT BOARD SPECIAL MEETING MINUTES
November 18, 2015

10. CALL TO ORDER – The November 18, 2015 Special Meeting of the City of Lynnwood Transportation Benefit District (TBD) Board, held in the Council Chambers of Lynnwood City Hall, was called to order by Board President Simmonds at 7:00 p.m.

20.

ROLL CALL

Board President Loren Simmonds
Board Vice President Sid Roberts
Board Member Van AuBuchon
Board Member Benjamin Goodwin
Board Member M. Christopher Boyer
Board Member Ruth Ross
Board Member Ian Cotton

OTHERS ATTENDING

Public Works Director Bill Franz
Deputy PW Director Elekes
Project Manager David Mach
Budget Coordinator Moore
Finance Director Springer
City Attorney Larson

Council Assistant Beth Morris

Board President Simmonds read the Introductory Statement reviewing the formation and function of the TBD and the purpose of the meeting.

30 APPROVAL OF MINUTES – JULY 8, 2015 SPECIAL MEETING

Motion made by Board Member Boyer, seconded by Board Member Ross, to approve the minutes of the July 8, 2015 Special Meeting. Motion passed unanimously.

40. VOUCHER APPROVAL

Motion made by Board President Simmonds, seconded by Board Member Cotton, to approve the claim in the amount of \$25,412.90. Motion passed unanimously.

50. CITIZEN COMMENTS AND COMMUNICATIONS

Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA, expressed concern that the agenda for this meeting was not posted on the city website until Monday, November 16. There was no way the public could know that the TBD is considering another ballot measure or a fee hike until two days ago. Also, the notice of this discussion does not mention a public hearing. He stated that no ballot proposition can appear before February of 2016 since there will be a major change in the composition of the board on January 1. He recommended any decision be instituted by the new board. He expressed concern that there has been no discussion of the changes in legislation made by the state legislature controlling the authority of the TBD. He thinks the Board should first have a discussion on the ramification of those changes. It was stated at a previous meeting that an increase in sales tax would allow out-of-town users of streets to “pay their fair share.” He noted that more than half of the \$20 million in sales

1 tax already comes from out-of-towners. This represents 20% of the annual General Fund
2 budget. This appears to be more than their fair share. Mr. Hikel asserted that the real
3 problem is that the Mayor's Budget shortchanged the road budget along with the fire
4 department and police department budgets. He urged the Council, meeting later tonight to
5 address the Mid-Biennium Budget Review, to correct the failure to fund road maintenance
6 by cutting less necessary expenditures to fund critical needs like road maintenance, police,
7 and fire.

8
9 60. PRESENTATION, DISCUSSION, AND APPROVAL OF THE 2014 TBD ANNUAL
10 REPORT

11
12 Staff Presentation: Resident Capital Project Engineer David Mach made the staff
13 presentation on the 2014 Annual Report as contained in the TBD Board packet starting on
14 page 60-2 through 60-7.

15
16 Board Member Cotton referred to page 60-4 and asked about the investment interests.
17 Finance Director Springer explained that in 2014 the City of Lynnwood invested all of its
18 investments into the Local Government Investment Pool (LGIP) which is a very safe
19 investment with the State of Washington.

20
21 *Motion made by Board President Simmonds, seconded by Board Member Roberts, to*
22 *approve the 2014 Annual Report as written. Motion passed unanimously.*

23
24 70. ORDINANCE #9 – 2016 BUDGET

25
26 A. Public Hearing

27
28 Board President Simmonds introduced the hearing, reviewed the procedure and order
29 of speaking.

30
31 Staff Presentation: Resident Capital Project Engineer David Mach made the staff
32 report. He explained that the proposed ordinance would enact the TBD Budget for the
33 year ending December 31, 2016. He reviewed the summary table on page 70A-4. This
34 was created by reviewing the most recent 12 months of revenue and general expenses
35 and forecasting that out to the upcoming year. Additionally, there are two proposed
36 transportation improvement projects. Street Fund 111 which matches up with the
37 City's Biennial Budget and the Overlay Program Fund 311, which would be used for
38 the project around the mall (184th Street) and Alderwood Mall Parkway heading down
39 the hill from Target. Director Franz added that these funds will help match a federal
40 grant that the City received for the 184th Street project in front of the mall.

41
42 Written Materials: None

43
44 Public Testimony:

45
46 Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA, commented that the City has \$2.9
47 million excess revenue as shown on the 1st Quarter Budget Report. He recommended

1 moving \$1 million out of the General Fund into road overlays as this is one of the
2 most critical expenses the City has.

3
4 Board Comments/Questions:

5
6 Board Member Boyer noted that in the September 2015 Financial Summary of the 3rd
7 Quarter which states that, "In June 2015 the City began accruing sales tax and
8 property tax revenues for the month the revenue was earned, not received. As a result
9 the 2015 revenues are higher than the same period in 2015 when cash basis reporting
10 was used." He explained that the "\$2.9 million excess" referred to by Mr. Hikel is not
11 actually there, but simply represents a difference in accounting. By the end of the
12 fiscal year, that bubble will have been absorbed back into the body of the revenue
13 numbers.

14
15 Mr. Hikel replied by referring to the big downturn when departments had to tighten
16 their belts and really buckle down to make sure they got through the year. He noted
17 that on last year's ending budget balance departments did not spend \$3, 4, or even 5
18 million in that final month of December, the last month of the biennium. They ended
19 up spending \$7 million because, he believes, they went out and spent the excess
20 money in their budgets.

21
22 Board Member Simmonds thanked them for their comments and noted this was not a
23 debate session.

24
25 Board Member Roberts asked Finance Director Springer if she concurred with Board
26 Member Boyer's comments. She indicated she did.

27
28 Board Member Cotton asked about looking at holding some of the investment money
29 in case they want to look at other investment strategies. Board President Simmonds
30 indicated that question should be raised at the next meeting.

31
32 Seeing no further public comments, the public testimony portion of the hearing was
33 closed at 7:26 p.m.

34
35 B. Consideration, discussion, and possible action on said Ordinance

36
37 *Motion made by Board Member Boyer, seconded by Board Member Ross, to adopt*
38 *City of Lynnwood Transportation Benefit District Ordinance No. 9, "AN*
39 *ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,*
40 *TRANSPORTATION BENEFIT DISTRICT ADOPTING A ONE YEAR BUDGET FOR*
41 *THE CITY OF LYNNWOOD, WASHINGTON, TRANSPORTATION BENEFIT*
42 *DISTRICT FOR THE YEAR ENDING DECEMBER 31, 2016; AND PROVIDING*
43 *FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION."*
44 *Upon a roll call vote, the motion passed unanimously (7-0).*
45

1
2 80. PRESENTATION, DISCUSSION AND POSSIBLE FINAL ACTION OR OTHER
3 DISPOSITION: TRANSPORTATION FUNDING STATUS AND NEEDS, POTENTIAL
4 FUNDING SOURCES AND NEXT STEPS FOR POTENTIAL FUNDING, INCLUDING
5 BUT NOT LIMITED TO OPTIONS FOR POSSIBLE BALLOT MEASURE.

- 6 • Possible motion relating to potential ballot measure resolution for increased sales tax
7 and/or increased or decreased vehicle registration fee funding options
8

9 Director Franz commended the Board for its thoughtful work in considering the needs of the
10 transportation system in the City of Lynnwood and looking at potential ways to put
11 resources to that. He recalled that the Board had run a ballot measure in 2014 which was
12 defeated, but would have increased sales tax in the City to be used toward transportation. In
13 2015 the Board and staff have discussed next steps and possibilities in the future with regard
14 to funding. In mid-summer it became apparent that Community Transit was going to run a
15 ballot measure to increase sales tax for an increase of .3%, and it appears that has passed. He
16 then briefly reviewed potential funding options available to the TBD as contained in the
17 table on page 80-1. He asked if the Board wanted to wait until the first regularly scheduled
18 meeting of 2016 or set an earlier meeting date.
19

20 Board President Simmonds recommended forgoing any discussion about this tonight. He
21 also recommended having a Special TBD Board meeting in the month of February. He noted
22 the Board would need to determine who would be the Chair if they continue to function in
23 the same way because that person works with the Public Works Department on a regular
24 basis. He added that the recent changes implemented by the State need to be part of the
25 discussion at the first meeting as well. City Attorney Larson concurred and stated that staff
26 has already asked her to be prepared to speak at the first meeting next year about the changes
27 in the law. There will be the option for the City Council to assume the duties of the TBD
28 Board. Also, the license fee authority has gone up to \$40.
29

30 Board Member Boyer concurred that given the rather large turnover on the Board it would
31 be more appropriate to wait until after January to have further discussions.
32

33 Board Member AuBuchon stated that it should be up to the new Board to schedule their
34 meetings, not this Board.
35

36 Director Franz pointed out that a Board President is necessary to schedule a special meeting.
37 Without either the Board doing it or the Board President to do it, they would have no choice
38 but to wait until March.
39

40 Board President Simmonds recommended scheduling the date noting that the new Board
41 could always cancel or reschedule the meeting if so desired.
42

43 90. SCHEDULING FOR POTENTIAL UPCOMING SPECIAL MEETINGS.
44

45 *Motion made by Board Member Boyer, seconded by Board Member Cotton, to schedule a*
46 *Special TBD Board Meeting for Wednesday, February 17, 2016 at 7:00 p.m. preceding the*
47 *Work Session.*

1
2 City Attorney Larson stated she would be out of town that week, but would send one of her
3 colleagues to brief the Board at the Special Meeting.
4

5 *Motion passed 6-1 with Board Member AuBuchon voting against the motion.*
6

7 100. ADJOURNMENT
8

9 *Motion made by Board Member Boyer, seconded by Board Member Ross, to adjourn the*
10 *meeting at 7:39 p.m. Motion passed unanimously.*
11

12 The meeting was adjourned at 7:39 p.m.
13
14

15 _____
16 Loren Simmonds, TBD Board President
17

18 _____
19 Sonja Springer
20 Finance Director, Acting as Board Treasurer
21

**City of Lynnwood
Transportation Benefit District Board**

Item 60

**Special Meeting
February 17, 2016
7:00 P.M.**

TITLE: Presentation, Discussion and Possible Action or other Disposition:

- Transportation Funding Status and Needs
- Potential Funding Sources and Next Steps for Potential Funding, Including But Not Limited to Options for Possible Ballot Measure
- Possible motion relating to potential ballot measure resolution for increased sales tax and/or increased or decreased vehicle registration fee funding options

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: At previous meetings, the Board has discussed potential funding options and the possibility of providing direction to staff to draft a potential ballot measure resolution.

Staff will provide a recap of the presentations provided to the Board at their past meetings regarding transportation funding status, needs, potential funding sources and next steps relating to the funding options. The TBD Board has the ability to proceed with funding options that include, but are not limited to, the following:

TABLE 1 – TBD FUNDING OPTIONS		
#	TBD Funding Options	New Annual Revenue
A	Postpone decision or no changes	\$0
B	Increase existing \$20 vehicle tab fee to \$100	\$20 to \$40 - \$0.5M* \$20 to \$60 - \$1.0M \$20 to \$80 - \$1.5M \$20 to \$100 - \$2.0M
C	0.1% sales tax increase minus \$20 vehicle, tab fee	\$1.5M
D	0.1% sales tax increase	\$2.0M
E	0.2% sales tax increase minus \$20 vehicle tab fee	\$3.5M
F	0.2% sales tax increase	\$4.0M

*** NOTE:** Due to recent legislative changes, increasing the vehicle tab fee from \$20 to \$40 does not require a public vote.

Regarding a potential ballot measure, the following table provides options for upcoming election dates:

TABLE 2 – POTENTIAL ELECTION DATES		
#	Election Date	Ballot Measure Due By
A	April 2016	March 2016
B	August 2016	May 2016
C	November 2016	August 2016

ACTION: Discuss and possible action

ATTACHMENTS: PowerPoint Presentation

NOTE: Please bring transportation binders that were provided last year. If you no longer have a binder, please notify staff and we will provide you with a new binder. New binders will be provided to the new Board Members.

Transportation Funding Status and Needs

Presentation to Transportation
Benefit District Board

February 17, 2016



2

City of Lynnwood Vision Statement

“To invest in efficient, integrated, local and regional transportation systems.”



3

National Citizen Surveys

Citizens' concerns about transportation and traffic are among the highest, if not the highest rated, each year.
(2002, 2006, 2010, 2014)



4

Statistically

Motor vehicle traffic crashes were the leading cause of death for age 4 and every age 11 through 27 (based on latest available 2009 data), according to the National Highway Traffic Safety Administration.



3 Main Areas of Transportation Needs

- Routine Maintenance and Operations
- Capital Infrastructure Reinvestment
- Capital Infrastructure Investment Projects



Street Crews



7

Street Fund Responsibilities

- 300 Lane Miles of Streets
- 118 Miles of Sidewalks
- 58 Traffic Signals
- 4350 Traffic Signs
- 160,000 Traffic Buttons
- 95,000 Square Feet of Thermoplastic
- 1000 Gallons of Paint

Total investment in our Transportation System approaches \$500 Million



8

Street Crew:

Total FTE's = 10 (Actually 8.8 FTEs)

- **1 Supervisor, shared with Stormwater and paid 60% Storm / 40% Streets**
 - Provides oversight, tracking, management
- **1 Foreman, shared with Stormwater and paid 60% Storm / 40% Streets**
 - Schedules work, supervises, occasionally assists crews in field
- **4 Maintenance Workers**
 - Functions individually or in as a crew depending on need to maintain all of system except traffic signals and street lights
- **1 Traffic Engineer**
 - Performs traffic engineering, development plan review and approvals, etc.
 - Network engineer for Intelligent Transportation System of 60 remote signal controllers, fiber network, and Traffic Management Center Central Server
- **1 Asst. Traffic Engineer/Project Manager**
 - Assists Traffic Engineer
 - Performs corridor timing
 - Performs traffic modeling
- **2 Traffic Signal Technicians**
 - Maintains 60 traffic signals and City owned street lights



9

Transportation Funding: Needs and Revenues

Maintenance and Capital Reinvestment Only

Program:	Analyzed Biennial Need:	2015-2016 Budget	General Fund Allocation	MV Fuel Tax	Other (licences, permits, investments, etc.)	REET Funds	TBD Contribution from 520 Tabs (\$500k/yr)	Utility Contribution to Street Overlays
Operations & Maint., Street Fund 111	\$ 4,600,000	\$ 4,209,280	\$ 1,373,980	\$ 1,459,560	\$ 244,000	\$ 200,000	\$ 331,740	
Overlays	\$ 7,500,000	\$ 1,228,260				\$ -	\$ 668,260	\$ 560,000
Signal Rebuild	\$ 500,000	\$ -						
Sidewalks	\$ 600,000	\$ -						
	\$ 13,200,000	\$ 5,437,540						



10

Fund 111: Street Fund Context and Comparison

Budgets	FTE's			Yearly Budget		
	1992	2014	%Change	1992	2014	Amt Changed
Street Fund	11	10	-9%	\$ 1,375,950	\$ 1,844,347	1.3
Public Works Total	60	74	23%	\$ 9,783,677	\$ 22,197,155	2.3
Police	64	98	53%	\$ 4,398,835	\$ 15,921,815	3.6
Fire	36	57	58%	\$ 2,993,212	\$ 8,631,799	2.9
General Fund Total	203	280	38%	\$ 16,826,261	\$ 49,883,181	3.0

Note: With average rate of inflation being ~2.7% over this period, the amount changed (Amt Changed) due to inflation would be ~1.8



11

Street Fund 111, History Budgets and General Fund Tax Contributions

Revenues:

	2001-2002	2003-2004	2005-2006	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016
Sales Tax	\$ 1,074,186	\$ 1,117,018	\$ 1,158,072	\$ 1,200,000	\$ 1,004,710	\$ 1,058,339	\$ 618,582	\$ 1,073,980
Property Tax	\$ 810,000	\$ 810,000	\$ 806,506	\$ 945,750	\$ 866,018	\$ 892,101	\$ 521,418	\$ 900,000
Total GF Tax	\$ 1,884,186	\$ 1,927,018	\$ 1,964,578	\$ 2,145,750	\$ 1,870,728	\$ 1,950,440	\$ 1,140,000	\$ 1,973,980

Expenditures:

	2001-2002	2003-2004	2005-2006	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016
Street Fund Budget	\$ 3,994,090	\$ 4,345,813	\$ 3,714,185	\$ 3,903,624	\$ 3,771,562	\$ 4,325,191	\$ 3,636,172	\$ 4,209,280



12

“Maintenance and Operations” vs. “Capital Infrastructure Reinvestment”

- “Maintenance” includes daily work to keep systems operational.
 - Surface Level work
 - Ex. sweeping, cleaning, pothole filling, bulb replacement
- “Capital Infrastructure Reinvestment” is the replacement of the underlying asset over time
 - Foundational replacement work
 - Ex. pavement overlays, replacement of signal pole, replacement of sidewalk panels



13

Capital Infrastructure Reinvestment Programs

- Pavement Overlays
- Traffic Signal Rebuild
- Sidewalks



14

Capital Infrastructure Reinvestment Programs

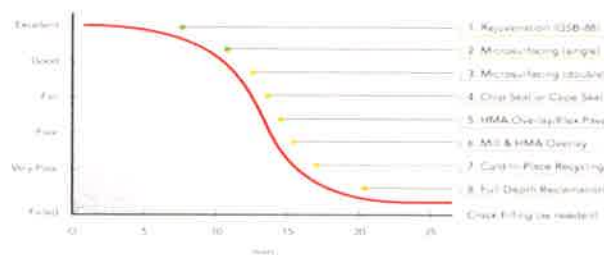
- Pavement Management
 - Intro: Explain how analysis works
 - Pavement has a finite design life
 - Deferred Reinvestment causes the cost to go up by orders of magnitude
 - In Lynnwood many of the arterials are now in the "worst-first" mode, subject to funding
 - A sustainable pavement program for Lynnwood requires more than \$4 million annually



15

Pavement Management

- Crack Repair (inexpensive)
- Chip Seal (moderately expensive)
- Overlay (expensive)
- Full Reconstruction (very expensive) - When pavement maintenance is deferred, costs increase substantially because the roadway base needs to be fully reconstructed instead of just overlaid



16

Capital Infrastructure Reinvestment Programs

- Pavement Overlays History
 - 1971 : 1.6 miles
 - 1972 : 2.8 miles
 - 1973 : 2.8 miles
- Current Budget 2015-2016
 - \$614,000/year for overlays
 - Will pave 0.35 miles
- Analyzed Need
 - \$7.5 to 8.0 Million per biennium (or more)



17

Transportation Funding: Needs and Revenues

Maintenance and Capital Reinvestment Only

Program:	Analyzed Biennial Need:	2015-2016 Budget	General Fund Allocation	MV Fuel Tax	Other (licences, permits, investments, etc.)	REET Funds	TBD Contribution from \$20 Tabs (\$500k/yr)	Utility Contribution to Street Overlays
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How Are We Doing?



60-11

Pavement Management:

Streets Needing Immediate Overlays:

- 68th Ave. W, (200th St. SW to 208th St. SW)
- 33rd Ave. W, (184th St. SW to Alderwood Mall Boulevard.)
- 188th St. SW, (44th Ave. W to SR-99)
- 188th St. SW, (60th Ave. W to 68th Ave. W)
- 48th Ave. W, (194th St. SW to P&R)
- Scriber Lake Road
- Blue Ridge Drive
- Alderwood Mall Parkway, (AMB to 184th St. SW)
- 198th St. SW, (40th Ave. W to 44th Ave. W)
- 24th Ave. W, (196th St. SW south to City Limits)
- 58th Ave. W, (176th St. SW north to cul-de-sac)
- Total Cost of above projects: \$6.5 to \$8.5 million



Traffic Signal Rebuild

- Lynnwood has 58 traffic signals, ranging in age from 1 yr. old to 40+ yrs. old
- Similar analysis done to identify ongoing replacement needs
- Signals are comprised of various components, each with different life cycle
- Analysis identified need for \$500,000/biennium for program
- Harder to "see" degradation



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Transportation Funding: Needs and Revenues

Maintenance and Capital Reinvestment Only

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22

How Are We Doing?



23

Sidewalks

- Many of our sidewalks are now 50 years old, end of life
- Similar but simpler analysis done to identify ongoing replacement needs
- Options to maintain/replace:
 - Grinding (relatively inexpensive, can't always solve the problem)
 - Replacement with Asphalt (moderately expensive, low aesthetics)
 - Replacement with Concrete (expensive)
- Analysis identified need for \$600,000/biennium for program
- No ongoing funding identified
- Outstanding Policy Issue: Who is responsible?
 - City or Adjacent Property Owner?



24

Sidewalks, Americans with Disabilities Act (ADA) Requirements

- New federal requirements to upgrade our sidewalks to meet ADA requirements
- Triggered especially if federal dollars are used on any transportation project
- Requirements still apply, however, even if local funds used
- Threat of action by feds
- Threat of third party lawsuits
- Examples, Milton and Yakima



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Transportation Funding: Needs and Revenues

Maintenance and Capital Reinvestment Only

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26

How Are We Doing?



60-15

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Transportation Funding: Needs and Revenues

Maintenance and Capital Reinvestment Only

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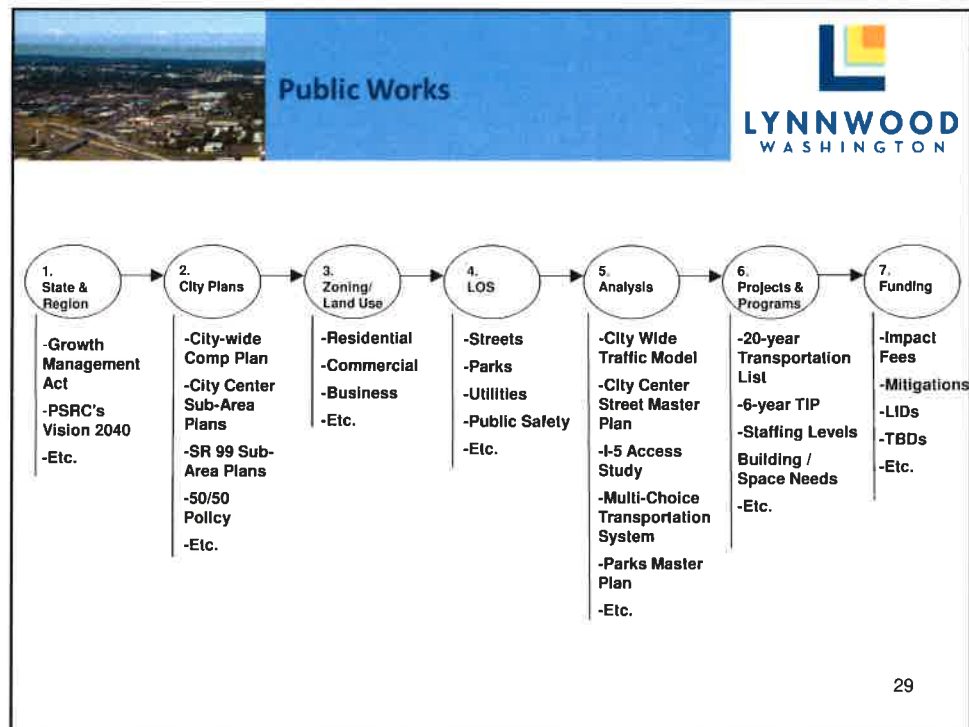


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Capital Infrastructure Investment

- Long list of Transportation projects identified
- To meet growth demands and achieve Vision
- Need is \$18 million per biennium
- Examples:
 - Poplar Bridge
 - 36th Avenue West
 - City Center Grid Streets
 - Various Traffic Signals/Roundabouts





30

What Does This All Mean?

- We are falling dangerously behind with implications to:
 - Safety
 - Economic Development
 - Long-term Financial Sustainability
 - Aesthetics
 - Meeting capacity needs of the future
 - Achieving the City's Vision

LYNNWOOD WASHINGTON

Existing Transportation Funding Sources

<u>Item</u>	<u>Description</u>	<u>Issues/Status</u>	<u>Range Yearly Amount \$</u>	<u>Notes:</u>
General Fund			\$1 million	
Grants	Various grant funding programs (federal, state, and local)	Significant fluctuations in availability	\$6.9 million	Value based on past 6 year annual average
Motor Vehicle Fuel Tax			\$750,000	
Real Estate Excise Tax (REET)	0.5% tax on sales of properties in the City	There are some limitations on use for street O&M	\$1 million	Varies on house prices and number of sales
Transportation Benefit District (TBD)	License tab fees (\$20)		\$500,000	
Traffic Impact Fees	Paid by new developments. Approximately \$8,000 per each new PM peak hour trip (one new single family home generates one PM peak hour trip)	* Can only be used for capacity improvements. Can not be used for existing deficiencies or O&M. * Increases building construction costs	\$400,000	Varies depending on development cycles; \$400K is based on average of past 5 years
Utility Fund			\$560,000	



LYNNWOOD
WASHINGTON

Potential Transportation Funding Sources

<u>Item</u>	<u>Description</u>	<u>Issues/Status</u>	<u>Range Yearly Amount</u> \$	<u>Notes:</u>
Transportation Benefit District (TBD)	License tab fees (0-\$100)	<ul style="list-style-type: none"> * Lynnwood can increase existing tab up to \$100 * May require public vote if >\$40 * Requires public vote if >\$50 	\$0.5M - \$2.5M	Low range based on \$20 veh. fee. High range based on \$100 vehicle fee.
Transportation Benefit District (TBD)	Sales tax increase up to 0.2%	<ul style="list-style-type: none"> * Lynnwood Sales Tax will soon be 9.8%. * Requires public vote 	Up to \$4 million	
Levy LID Lift	Property tax	<ul style="list-style-type: none"> * Done by several other cities * Requires public vote 	varies	
Local Improvement Districts (LIDs)	Specific Benefit area assessed for specific project	<ul style="list-style-type: none"> * Good for specific Capital Projects * Used many times in past 	\$1M - \$3M	Many of the roads around the mall were originally financed with LIDs.
General Utility Taxes	All Citizens / Businesses taxed on any and all utilities	<ul style="list-style-type: none"> * Lynnwood has assessed very few * Most other cities use 	\$700,000	Based on 1% across the board
Business & Occupation Taxes (B&O)	Businesses assessed based on % of their income	Some cities use	\$1.9 million	Based on 0.05%
Business License Revenue	Allocate some of the business license revenue toward transportation		varies	
General Fund	Prioritization of the city's existing general fund expenditures	<ul style="list-style-type: none"> * Balance needs of the city (fire, police, streets, parks...) 	varies	
Street Utility	Properties assessed based on land use and average use of system	The State Legislature has discussed but not legalized this option	\$0.3M - \$1.5M	Low range based on Corvallis OR (actual). High range based on Kent's WA (projection)

Potential Transportation Funding Sources (cont.)

<u>Item</u>	<u>Description</u>	<u>Issues/Status</u>	<u>Range Yearly Amount \$</u>	<u>Notes:</u>
Traffic Impact Fees	This is an existing revenue but can be increased from approximately \$8,000 to \$16,000 per each new PM peak hour trip	* Can only be used for capacity improvements. Can not be used for existing deficiencies or O&M. * Increases building construction costs	\$400K to \$800K	Varies depending on development cycles; \$400K is based on average of past 5 years
Public Works Trust Fund (Loans)	A State sponsored loan program requiring repayment using local funds for a specific project	Need a dedicated funding source to pay back loan	varies	
General Obligation Bonds	Bonds supported by the City's general fund for repayment		varies	
WSDOT	WSDOT is responsible for the maintenance of State facilities within the City limits. They may also be a funding partner for major improvements to state facilities.		varies	WSDOT is responsible to maintain pavement on state routes in the city (196th Street SW and Hwy99)
Economic Development Infrastructure Policy	The City participates in the funding of public infrastructure that implement the City's economic development policies. Funded through sales tax, property sales, REET, and other sources		varies	Recently implemented by Council; Sales tax generated by the new Lynnwood Costco to pay back general fund loan used to pay for adjacent road improvements



LYNNWOOD
WASHINGTON

**City of Lynnwood
Transportation Benefit District Board**

Item 70

**Special Meeting
February 17, 2016
7:00 P.M.**

TITLE: Presentation, Discussion and Possible Action or other Disposition:

- Recent Legislative Changes to Transportation Benefit District Law
- Possible Motion Relating to Implementation of Recent Legislative Changes

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: There have been recent legislative changes to the Transportation Benefit District (TBD) law. Attached is a memorandum which summarizes these legislative changes which staff will discuss with the Board. Based on the discussion, City Council may decide to revise its practices based on these changes.

One of the legislative changes is the ability for the City to assume the powers and functions of the TBD. The following table summarizes some of the pros and cons associated with the City assuming the powers of the TBD:

PROS	CONS
No longer a need for the TBD to be audited separately from the City (approximately \$3,500 every three years)	Potentially less of Board/Council's time may be allocated to transportation issues without regularly scheduled TBD meetings
No longer a need for separate TBD liability insurance (approximately \$3,500 annually)	
Reduced staff and attorney oversight	
Staff no longer needs to draft separate TBD meeting agenda packets (would be incorporated into Council packets)	
No longer a need for separate meeting notices and minutes (would be incorporated into Council's)	
No longer a need to maintain a separate TBD webpage	
No longer a need to prepare and publish a TBD annual report	
No longer a need to draft and approve separate TBD budget	

1 **ACTION:** Discuss and possible action

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3 **ATTACHMENTS:** Memorandum from District Attorney Larson to Director Franz regarding
4 2015 TBD legislative changes

MEMORANDUM

TO: Bill Franz, Director of Public Works
David Mach, Capital Project Engineer/Transportation Benefit District Board Liaison

FROM: Rosemary A. Larson

DATE: February 8, 2016

RE: 2015 Legislation Regarding Transportation Benefit Districts

I. BACKGROUND

Chapter 36.73 RCW and RCW 35.21.225 authorize a city council to form a transportation benefit district. A transportation benefit district is a quasi-municipal corporation with all the usual powers of a corporation for public purposes, and with powers specifically conferred by statute. RCW 36.73.040. In particular, transportation benefit districts have authority to acquire, construct, improve, provide and fund certain transportation improvements. See Ch. 36.73 RCW generally. A transportation benefit district is a separate legal entity from the city that forms the district. However, the city council members serve ex officio as the transportation benefit district board members, and the city's finance director serves as the transportation benefit district treasurer. RCW 36.73.020(3) and (4).

To accomplish their purposes, transportation benefit districts have limited funding mechanisms. Prior to July of 2015, Chapter 36.73 authorized transportation benefit districts to impose fees and taxes that included: (1) a vehicle license registration fee of up to \$20 per vehicle, and certain transportation impact fees on commercial or industrial development, without first obtaining voter approval; and (2) when authorized by the voters, a vehicle license registration fee of up to \$100 per vehicle, a sales tax in an amount up to .2 of one percent, and limited vehicle tolls. RCW 36.73.065(4); RCW 36.73.040.

In 2010, in accordance with Chapter 36.73 RCW, the Lynnwood City Council formed the Lynnwood Transportation Benefit District ("TBD"), which has geographic boundaries identical to the corporate limits of the City. Chapter 12.14 LMC, copy attached. Since that time, the Lynnwood City Council Members have served ex officio as the TBD Board Members. In Chapter 12.14 LMC, the City Council authorized the TBD to impose a vehicle license fee up to the maximum fee provided for in RCW 36.75.065. LMC 12.14.030. Consistent with RCW 36.73.065(4) and LMC 12.14.030, the TBD Board adopted TBD Ordinance No. 2, which imposed a vehicle license fee in the amount of \$20 per year, without a vote. The TBD's fee was implemented in June of 2011, and the TBD has imposed the fee since that time.

During the 2015 legislative session, the State legislature passed 2ESSB 5987, relating to transportation revenue. This bill contains provisions that affect transportation benefit districts in

two ways: (1) the bill increases the amount of vehicle license fee that a transportation benefit district may impose without first obtaining voter approval; and (2) the bill authorizes a city council to assume all of the powers and functions of the district. This memo describes these two legislative changes.

II. DISCUSSION

A. Vehicle License Fee Authority.

RCW 36.73.065(1) prohibits a transportation benefit district from imposing any tax, fee, charge or toll without the approval of the voters in the district, "except as provided in subsection (4) of this section." Prior to 2015, subsection (4) of the statute only stated two exceptions to the voter approval requirement. A district that includes all of the territory within the boundaries of the jurisdiction establishing the district could, without first obtaining voter approval, impose (1) a vehicle license fee in an amount up to \$20 per year, or (2) certain fees on construction or reconstruction of commercial buildings, industrial buildings, or on any other commercial or industrial building space or appurtenance, or on the development, subdivision, classification, or reclassification of land for commercial purposes. Pursuant to this statute, the Lynnwood City Council authorized the Lynnwood TBD to impose the vehicle license fee up to the maximum amount allowed in RCW 36.73.065, and the TBD imposed the annual vehicle license fee in the amount of \$20 per vehicle. LMC 12.14.030; TBD Ordinance No. 2.

In the 2015 legislative session (in the third special session), the State legislature passed 2ESSB 5987. 2ESSB 5987 is a lengthy bill containing a wide variety of transportation revenue provisions. These provisions include an amendment to RCW 36.73.065(4), which increases the dollar amount of the vehicle license fee that may be imposed without voter approval. First, if a district includes all of the territory within the boundaries of the jurisdiction that created it, and if the district has imposed an annual vehicle license fee in the amount of \$20 for at least 24 months, the district may increase the vehicle license fee to an amount up to \$40 by a majority vote of the district's board. Second, if such a district has imposed the vehicle license fee of \$40 for at least 24 months, the district may increase the fee to an amount up to \$50 by a majority vote of the district's board. However, before the district's board increases the fee to more than \$40, the district's board must publish notice of its intent to increase the vehicle fee, by April 1 of the year in which the increased fee is to be imposed. If within 90 days of the date of the notice's publication a petition is filed with the county auditor containing the signatures of at least eight percent of the voters voting in the last gubernatorial election, as certified by the county auditor, a proposition to impose the increased fee must be submitted to the district's voters at a special election. The increased vehicle license fee may then be imposed only if approved by a majority of the voters voting on the proposition. 2ESSB 5987, Section 309, amending RCW 36.73.065.

The Lynnwood TBD's boundaries include all of the territory within the City, and the Lynnwood TBD has imposed a vehicle license fee in the amount of \$20 for more than 24 months. Thus, pursuant to the amendment to RCW 36.73.065(4), the Lynnwood TBD has authority to increase its vehicle license fee up to \$40, without obtaining voter approval.

B. City Assumption of TBD Powers and Functions.

2ESSB 5987 also enacts a new Chapter 36.74 RCW, copy attached. In sum, Chapter 36.74 authorizes a city that has established a transportation benefit district with the same boundaries as the city, to assume all of the powers and functions of the district. RCW 36.74.010 provides:

Any city or county in which a transportation benefit district has been established pursuant to chapter 36.73 RCW with boundaries coterminous with the boundaries of the city or county may by ordinance or resolution of the city or county legislative authority assume the rights, powers, functions, and obligations of the transportation benefit district in accordance with this chapter.

As stated by the Final Bill Report for the bill, this new statute authorizes “[a] city or county with overlapping boundaries of a TBD [to] eliminate the separate entity status and assume the rights, powers, functions, and obligations of the TBD.” Final Bill Report for 2ESSB 5987, p. 7.

As the Lynnwood TBD has the same geographic boundaries as the City, the City has authority to assume the rights, powers, functions, and obligations of the Lynnwood TBD in accordance with the provisions of the newly enacted Chapter 36.74 RCW.

Chapter 36.74 RCW states the process by which a city may assume the transportation benefit district’s powers and functions. First, the city council initiates the process by adopting an ordinance or resolution indicating the council’s intent to conduct a hearing on the assumption of the district’s rights, powers, functions and obligations. RCW 36.74.020(1). The ordinance or resolution must: (1) set a time and place at which the city council will consider the proposed assumption; (2) state that all persons interested may appear and be heard; and (3) be published at least two times during the two weeks preceding the scheduled hearing, in newspapers of daily general circulation printed or published in the city. RCW 36.74.020(1).

At the hearing, the city council “must consider the assumption of the rights, powers, functions, and obligations of the transportation benefit district and hear all those appearing and all protests and objections to it.” RCW 36.74.020(2). If after receiving testimony, the city council determines that the public interest or welfare would be satisfied by the city’s assumption of the district, the city council passes an ordinance or resolution declaring that to be its intent and assuming “such rights, powers, immunities, functions, and obligations ... , providing that the city ... is vested with every right, power, immunity, function, and obligation currently granted to or possessed by the transportation benefit district.” RCW 36.74.030(1).

Upon the city’s assumption of the rights, powers, immunities, functions, and obligations of the transportation benefit district, the transportation benefit district’s board “must be abolished and the [city council] is vested with all rights, powers, immunities, functions and obligations otherwise vested by law in the [district’s board].” RCW 36.74.030(2).

The transfer of the district’s functions to the city shall not:

be construed to impair or alter any existing rights acquired under chapter 36.73 RCW or any other provision of law relating to transportation benefit districts, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

RCW 36.74.040. Basically, the city simply takes over all district actions, functions, assets, and liabilities, without change. For example:

- The city's assumption of the transportation benefit district's rights, powers, functions, and obligations may not impair or alter the validity of any act performed by the district before the assumption. RCW 36.74.040.
- All of the rules, regulations and pending business before the district must be continued and acted on by the city. RCW 36.74.050(1).
- All of the district's existing contracts and obligations remain in force and must be performed by the city. RCW 36.73.050(2).
- All reports, documents, records and files relating to the administration of the district's powers, duties and functions must be made available to the city, all of the district's funds, credits and assets must assigned to the city, and all appropriations and federal grants made to the district must be credited to the city for the purpose of carrying out the transferred rights, powers, functions and obligations. RCW 36.74.060.
- The city must assume and agree to provide for the payment of all of the district's indebtedness. RCW 36.74.070.

After the city's assumption of a transportation benefit district, the district still must prepare a final annual report for the last year of its existence, and is subject to a close-out audit. BARS Manual, Section 3.11.1.120.

cc: Lynnwood Transportation Benefit District Board Members
Nicola Smith, Mayor

**Chapter 12.14
TRANSPORTATION BENEFIT DISTRICT**

Sections:

- 12.14.010 Establishing transportation benefit district.**
- 12.14.020 Governing board.**
- 12.14.030 Authority of the district.**
- 12.14.040 Use of funds.**
- 12.14.050 Dissolution of district.**
- 12.14.060 Liberal construction.**

12.14.010 Establishing transportation benefit district.

There is created a transportation benefit district with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations. (Ord. 2837 § 3, 2010)

12.14.020 Governing board.

A. The governing board of the transportation benefit district shall be the Lynnwood city council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

B. The treasurer of the transportation benefit district shall be the city finance director.

C. The board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

D. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). (Ord. 2837 § 3, 2010)

12.14.030 Authority of the district.

A. The district may authorize a vehicle tax fee up to the maximum fee provided for in RCW 36.73.065.

B. When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in revenue services may be assessed for the preservation, maintenance and operation of city streets.

C. The board shall have and may exercise any powers provided by law to fulfill the purpose of the district. (Ord. 2837 § 3, 2010)

12.14.040 Use of funds.

The funds generated by the transportation benefit district may be used for any purpose allowed by law including to operate the district and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the

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infrastructure over time to avoid expensive infrastructure replacement in the future. (Ord. 2874 § 3, 2011; Ord. 2837 § 3, 2010)

12.14.050 Dissolution of district.

The transportation benefit district shall be automatically dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied. (Ord. 2837 § 3, 2010)

12.14.060 Liberal construction.

This chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district. (Ord. 2837 § 3, 2010)

Mobile Version

Chapter 36.74 RCW**TRANSPORTATION BENEFIT DISTRICTS—ASSUMPTION BY CITIES AND COUNTIES****Chapter Listing****Sections**

- 36.74.010** Assumption of rights, powers, functions, and obligations authorized.
- 36.74.020** Ordinance or resolution of intention to assume rights, powers, functions, and obligations—Adoption—Publication—Hearing.
- 36.74.030** Declaration of intention to assume—Abolition of city or county governing body—Transfer of rights, powers, immunities, functions, and obligations to city or county.
- 36.74.040** Existing rights, actions, proceedings, etc., not impaired or altered.
- 36.74.050** Rules and regulations, pending business, contracts, obligations, validity of official acts.
- 36.74.060** Reports, books, records, etc.—Funds, credits, assets—Appropriations or federal grants.
- 36.74.070** Debts and obligations.

36.74.010**Assumption of rights, powers, functions, and obligations authorized.**

Any city or county in which a transportation benefit district has been established pursuant to chapter 36.73 RCW with boundaries coterminous with the boundaries of the city or county may by ordinance or resolution of the city or county legislative authority assume the rights, powers, functions, and obligations of the transportation benefit district in accordance with this chapter.

[2015 3rd sp.s. c 44 § 301.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.020**Ordinance or resolution of intention to assume rights, powers, functions, and obligations—Adoption—Publication—Hearing.**

(1) The assumption of the rights, powers, functions, and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or a resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions, and obligations. If the city or county legislative

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authority adopts such an ordinance or a resolution of intention, the ordinance or resolution must set a time and place at which the city or county legislative authority will consider the proposed assumption of the rights, powers, functions, and obligations of the transportation benefit district, and must state that all persons interested may appear and be heard. The ordinance or resolution of intention must be published at least two times during the two weeks preceding the scheduled hearing in newspapers of daily general circulation printed or published in the city or county in which the transportation benefit district is to be located.

(2) At the time scheduled for the hearing in the ordinance or resolution of intention, the city or county legislative authority must consider the assumption of the rights, powers, functions, and obligations of the transportation benefit district and hear those appearing and all protests and objections to it. The city or county legislative authority may continue the hearing from time to time, not exceeding sixty days in all.

[2015 3rd sp.s. c 44 § 302.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.030

Declaration of intention to assume—Abolition of city or county governing body—Transfer of rights, powers, immunities, functions, and obligations to city or county.

(1) If, after receiving testimony, the city or county legislative authority determines that the public interest or welfare would be satisfied by the city or county assuming the rights, powers, immunities, functions, and obligations of the transportation benefit district, the city or county legislative authority may declare that to be its intent and assume such rights, powers, immunities, functions, and obligations by ordinance or resolution, providing that the city or county is vested with every right, power, immunity, function, and obligation currently granted to or possessed by the transportation benefit district.

(2) Upon assumption of the rights, powers, immunities, functions, and obligations of the transportation benefit district by the city or county, the governing body established pursuant to RCW 36.73.020 must be abolished and the city or county legislative authority is vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the transportation benefit district.

[2015 3rd sp.s. c 44 § 303.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.040

Existing rights, actions, proceedings, etc., not impaired or altered.

No transfer of any function made pursuant to this chapter may be construed to impair or alter any existing rights acquired under chapter 36.73 RCW or any other provision of law relating to transportation benefit districts, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the assumption of control of any transportation benefit district function by a city or county, nor any transfer of rights, powers, functions, and obligations as provided in this chapter, may impair or alter the validity of any act performed by such transportation benefit district or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by any city or county as authorized under this chapter.

[2015 3rd sp.s. c 44 § 304.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.050

Rules and regulations, pending business, contracts, obligations, validity of official acts.

(1) All rules and regulations and all pending business before the board of any transportation benefit district transferred pursuant to this chapter must be continued and acted upon by the city or county.

(2) All existing contracts and obligations of the transferred transportation benefit district remain in full force and effect and must be performed by the city or county. A transfer authorized in this chapter does not affect the validity of any official act performed by any official or employee prior to the transfer authorized pursuant to this chapter.

[2015 3rd sp.s. c 44 § 305.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.060

Reports, books, records, etc.—Funds, credits, assets—Appropriations or federal grants.

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(1) All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred pursuant to this chapter and available to the transportation benefit district must be made available to the city or county.

(2) All funds, credits, or other assets held in connection with powers, duties, and functions transferred under this chapter must be assigned to the city or county.

(3) Any appropriations or federal grant made to the transportation benefit district for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by a city or county pursuant to this chapter, on the effective date of such transfer, must be credited to the city or county for the purpose of carrying out such transferred rights, powers, functions, and obligations.

[2015 3rd sp.s. c 44 § 306.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

36.74.070

Debts and obligations.

The city or county must assume and agree to provide for the payment of all of the indebtedness of the transportation benefit district, including the payment and retirement of outstanding general obligation and revenue bonds issued by the transportation benefit district.

[2015 3rd sp.s. c 44 § 307.]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

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